



January 10, 2008

By Hand Delivery

Honorable Laura Taylor Swain
United States District Judge
United States Courthouse
500 Pearl St., Room 755
New York, New York 10007

Re: Joe Simon-Whelan v. The Andy Warhol Foundation for the Visual Arts, et al.
Case No. 07 -CV-6423

Dear Judge Swain:

I write as counsel for plaintiff Joe Simon-Whelan.

As the Court is aware, there is an Initial Scheduling Conference scheduled in this matter for Friday, January 18, 2008. Thus, according to Your Honor's prior Order, the pre-trial statement is due to be filed on Friday, January 11. Plaintiff requests that the parties be permitted to file that statement on Monday, January 14.

We received a draft of the pre-trial statement from defendants last night. Plaintiff's opposition to defendants' motion to dismiss is due today (the parties have previously requested and received consent from the Court to extend the page limit on their briefs to 45 pages). Plaintiff's counsel believes that the pre-trial statement will benefit greatly from having the time to work on the pre-trial statement on Friday and over the weekend. We have communicated with defense counsel and they do not object to this application.

Thank you for your consideration.

Respectfully submitted,

Lee A. Weiss

cc: Gary D. Sesser, Esq. (via facsimile)
Seth S. Redniss, Esq. (via facsimile)

Copies filed/faxed to
Chambers of Judge Swain

Plaintiff's Counsel
1-11-08

